

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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BOARD OF TRUSTEES OF THE UFCW  
LOCAL 174 PENSION FUND,

Plaintiff,

**ORDER**

10 CV 3188 (RJD) (SMG)

- against -

KARL EHMER DELICATESSEN f/k/a  
GLENDALE PORK STORE, INC. d/b/a  
KARL EHMER DELICACY HOUSE,

Defendant.

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DEARIE, Judge.

In a Report and Recommendation dated and entered August 8, 2011 (the "Report"), Chief Magistrate-Judge Steven M. Gold recommended that the Court award plaintiff judgment by default against defendant as follows: \$296,592 in withdrawal liability; \$45,758.49 in interest; \$3,560.19 in fees and costs; and separate interest on the withdrawal liability portion of the award (*i.e.*, the sum of \$296,592) from July 1, 2011 through the date of judgment, at the rate specified in 29 C.F.R. § 4219.32, to be calculated by the Clerk of the Court at the time of judgment.

The Report alerted defendant that, in accordance with 28 U.S.C. § 636(b) (1) and Rule 72 of the Federal Rules of Civil Procedure, any objections to the Report were to be filed within fourteen days of the day of the report, or by August 25, 2011. The Report also directed plaintiff to serve the Report upon defendant; plaintiff's proof of service states that the Report was mailed to defendant on September 1, 2011. Affording defendant the most generous calculation of its period to object (beginning from the date of plaintiff's service rather than the date of the Report

and including time for mailing), the clock has now run, and defendant has not objected or otherwise appeared. Having considered the papers submitted in support of plaintiff's application and the thorough analysis of Chief Magistrate-Judge Gold, the Court adopts the Report and Recommendation and directs the Clerk to enter judgment accordingly.

SO ORDERED.

Dated: Brooklyn, New York  
September 19, 2011

s/ Judge Raymond J. Dearie

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RAYMOND J. DEARIE  
United States District Judge